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6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9 **(HONORABLE DANA M. SABRAW)**

10 UNITED STATES OF AMERICA,) Case No. 08cr1364-DMS
11 Plaintiff,)
12 v.)
13 **DAVID JOSEPH MEDINA,**) **DECLARATION OF JOHN C. LEMON**
14) **IN SUPPORT OF MOTION TO SHORTEN**
15 Defendant.) **TIME**
16)
17)

18 I, John C. Lemon, hereby state under penalty of perjury as follows:

- 19 1. I am over the age of eighteen and am competent to testify hereto.
20 2. I am the attorney of record for defendant David Joseph Medina in this case. I have been
21 appointed to represent him under the Criminal Justice Act.
22 3. On Friday, May 23, 2008, I was in court all morning and worked well into the evening
23 preparing a presentation for the following morning in an unrelated case. I did not realize until the morning
24 of May 24 that Mr. Medina's motions were due on May 23.
25 4. According to an email from the district court, ECF was not operational from May 24 to May
26 26 at 5:00 p.m.

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5. I was therefore unable to file Mr. Medina's discovery motion until the evening of May 26.

I declare the foregoing to be true and correct to the best of my knowledge this 26th day of May, 2008.

/s John C. Lemon
JOHN C. LEMON